



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 10, 2012

Mr. Edward D. Halpin
Senior Vice President and
Chief Nuclear Officer
Pacific Gas and Electric Company
Diablo Canyon Power Plant
P.O. Box 56, Mail Code 104/6
Avila Beach, CA 93424

SUBJECT: DIABLO CANYON POWER PLANT, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC
NOS. ME7522 AND ME7523)

Dear Mr. Halpin:

By letter dated August 2, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12222A094), Pacific Gas and Electric (PG&E) submitted information to support a Diablo Canyon Power Plant (DCPP) license amendment request to replace the Eagle 21 digital process protection system (PPS) with a new digital PPS. The information included an affidavit executed by Mr. Roman Shaffer, Invensys Operations Management dated July 23, 2012, requesting that information contained in the following documents be withheld from public disclosure pursuant to the Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Invensys Operations Management Document "993754-1-802, Revision 2, Software Verification and Validation Plan" (Invensys Operations Management Proprietary), dated June 7, 2012

Invensys Operations Management Document "993754-1-813 Revision 1, Validation Test Plan" (Invensys Operations Management Proprietary), dated June 7, 2012

Invensys Operations Management Document "993754-1-906 Revision 1, Software Development Plan" (Invensys Operations Management Proprietary), dated July 11, 2012

Nonproprietary versions of these documents have been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and are available at ADAMS Accession Nos. ML12222A100, ML12222A101, and ML12222A103, respectively. The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) Information which discloses process, method, or apparatus, including supporting data and analyses, where prevention of its use by Invensys Operations Management's competitors without license or contract from

Invensys constitutes a competitive economic advantage over other companies in the industry.

- (b) Information, which if used by competitors, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, application, installation, assurance of quality, or licensing of a similar product.
- (c) Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of Invensys Operations Management, its customers, its partners, or its suppliers.
- (d) Information which reveals aspects of past, present, or future Invensys Operation Management customer-funded development plans or programs, of potential commercial value to Invensys.
- (e) Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.
- (f) Information obtained through Invensys Operation Management actions which could reveal additional insights into nuclear equipment qualification processes, customer applications, and regulatory proceedings, and which are not otherwise readily obtainable by a competitor.

We have reviewed your submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

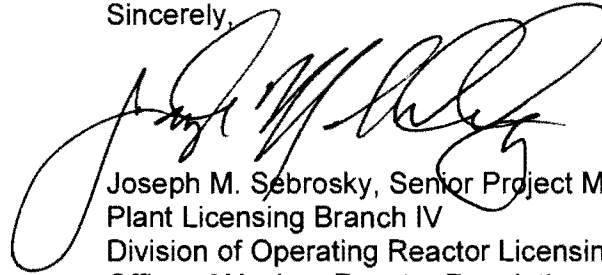
If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

E. Halpin

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If you have any questions regarding this matter, I may be reached at 301-415-1132.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Sebrosky". The signature is fluid and cursive, with a large initial "J" and "S".

Joseph M. Sebrosky, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: Roman Shaffer, Project Manager
Invensys Operations Management
26561 Rancho Parkway South
Lake Forest, CA 92630

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E. Halpin

- 3 -

If you have any questions regarding this matter, I may be reached at 301-415-1132.

Sincerely,

/RA/

Joseph M. Sebrosky, Senior Project Manager
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Division of Operating Reactor Licensing
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